

HOUSE BILL NO. 179

INTRODUCED BY T. DELL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PROCEDURE FOR A MILL LEVY ELECTION; PROVIDING FOR THE CONTENT OF A RESOLUTION PROPOSING A MILL LEVY ELECTION; REQUIRING THE RESOLUTION AND THE BALLOT FORM TO INCLUDE A STATEMENT OF THE IMPACT OF THE ELECTION ON ~~THE AVERAGE HOMEOWNER A HOME~~ HOMES VALUED AT \$100,000 AND \$200,000 IN THE DISTRICT IN TERMS OF ACTUAL DOLLARS IN ADDITIONAL PROPERTY TAXES THAT WOULD BE IMPOSED ON ~~A RESIDENCE~~ RESIDENCES OF A STATED WITH THAT VALUE THOSE VALUES IF THE MILL LEVY WERE TO PASS; AMENDING SECTIONS 7-6-2314, 7-6-2328, 7-6-2512, 7-6-2531, 7-6-2534, 7-6-2536, 7-6-2537, 7-6-2541, 7-6-4238, 7-6-4272, 7-6-4431, 7-14-1134, 7-14-1633, 7-14-2504, 7-14-4404, 7-16-2102, 7-16-2109, 7-16-2411, 7-16-2412, 7-16-2432, 7-22-2142, 7-32-235, 7-34-102, 7-34-2135, 19-18-504, 20-9-353, 20-9-502, 20-15-241, 20-15-311, 22-1-304, 76-15-531, AND 90-5-112, MCA; AND REPEALING SECTION 7-6-2532, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Mill levy election.** (1) A county, consolidated government, incorporated city, incorporated town, school district, or other taxing entity that proposes to impose a mill levy or increase a mill levy that is required to be submitted to the electors shall conduct the election as provided in this section.

(2) An election conducted pursuant to this section may be held in conjunction with a regular or primary election or may be a special election. The governing body shall pass a resolution or receive a petition indicating an intent to impose a new levy or to increase a mill levy on the approval of a majority of the qualified electors voting in the election. The resolution or petition must include:

(a) the specific purpose for which the additional money will be used;

(b) the specific amount to be raised;

(c) the approximate number of mills required; and

(d) the durational limit, if any, on the levy.

(3) Notice of the election must be PREPARED BY THE GOVERNING BODY AND given as provided by law.

1 The form of the ballot must reflect the content of the resolution and must include a statement of the
2 impact of the election on ~~the average homeowner~~ A HOME VALUED AT \$100,000 AND A HOME VALUED AT
3 \$200,000 in the district in terms of actual dollars in additional property taxes that would be imposed on
4 ~~a residence~~ RESIDENCES of a stated ~~WITH THAT THOSE~~ value VALUES if the mill levy were to pass. THE BALLOT
5 MAY ALSO INCLUDE A STATEMENT OF THE IMPACT OF THE ELECTION ON HOMES OF ANY OTHER VALUE IN THE DISTRICT,
6 IF APPROPRIATE.

7 (4) If the majority voting on the question are in favor of the additional levy, the governing body
8 is authorized to impose the levy in the amount specified in the resolution.

9

10 **Section 2.** Section 7-6-2314, MCA, is amended to read:

11 **"7-6-2314. Classification of estimates, appropriations, and expenditures -- exception.** (1) In the
12 tabulation required by 7-6-2313, the estimates, appropriations, and expenditures must be classified as:

13 (a) salaries and wages;

14 (b) maintenance and operation;

15 (c) capital outlay;

16 (d) interest and debt redemption;

17 (e) miscellaneous; and

18 (f) expenditures proposed to be made from bond issues not yet authorized or from the proceeds
19 of a tax levy or levies that are required to be submitted to and approved at an election to be held ~~later~~ as
20 provided in [section 1].

21 (2) (a) Within the general class of salaries and wages, each salary must be set forth separately,
22 together with the title or position of the recipient. An unitemized appropriation may be made to cover the
23 expenses of special deputies or assistants in any office where the services of the special deputies or
24 assistants may be required during a part of the fiscal year only. Wages for day labor may be given in totals
25 by designating the general purpose or object for which the expenditure is to be made, but the proposed
26 rate ~~per each~~ per day for each class or kind of labor must be set forth.

27 (b) Expenditures under the general class of maintenance and operation must be classified
28 according to a standard classification to be established by the department of commerce.

29 (c) Expenditures for capital outlay must set forth and describe each object of expenditure
30 separately.

(d) Under the general class of interest and debt redemption, proposed expenditures for interest and for redemption of principal must be set forth separately for each series or issue of bonds, and warrant interest and redemption requirements must be set forth in a similar manner.

(e) Under the general class of miscellaneous, expenditures for all purposes not listed in or that cannot properly be assigned to any of the general classes must be set forth and itemized in detail.

(3) This section does not apply to a county that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

Section 3. Section 7-6-2328, MCA, is amended to read:

"7-6-2328. Restriction on tax-financed expenditures if voter approval of tax levy required. ~~Where~~ When any expenditure program is to be financed from a tax levy required to be authorized and approved at an election as required in [section 1], no an expenditure ~~shall~~ may not be made or an obligation incurred ~~thereunder~~ until ~~such~~ the levy is ~~so~~ authorized and approved."

Section 4. Section 7-6-2512, MCA, is amended to read:

"7-6-2512. County tax levy for health care facilities. (1) Subject to 15-10-420, the board of county commissioners may, annually, at the time of levying county taxes, fix and levy a tax, not to exceed 10 mills on each dollar of taxable valuation of property, upon all property within the county to erect, furnish, equip, expand, improve, maintain, and operate county-owned or county-operated health care facilities created under 7-8-2102, 7-34-2201, and 7-34-2502. "Health care facilities", as used in this section, has the meaning as defined in 7-34-2201. The combined total number of mills levied under this section and for the county poor fund under 53-2-322 may not exceed 18 mills. A higher levy may be made upon compliance with 7-6-2531 and 7-6-2533 through 7-6-2537, 15-10-420, or 53-2-322. If a hospital district is created under Title 7, chapter 34, part 21, the mill levy authorized by this section may not be imposed on property within that hospital district.

(2) If a county issues bonds under 7-34-2411 to finance or refinance the costs of a health care facility, the board of county commissioners may covenant to levy the tax authorized by this section during the term of the bonds, to the extent necessary, and to apply the collections of the tax to the costs of erecting, furnishing, equipping, expanding, improving, maintaining, and operating the health care facility or facilities of the county or the payment of principal of or interest on the bonds. The pledge of the taxes

to the payment of the bonds may not cause the bonds to be considered indebtedness of the county for the purpose of any statutory limitation or restriction. The pledge may be made by the board only upon authorization of a majority of the electors of the county voting on the pledge at a general or special election as provided in 7-34-2414."

Section 5. Section 7-6-2531, MCA, is amended to read:

"7-6-2531. County may exceed maximum mill levy -- election required. The governing body of a county may raise money by taxation for the support of county government services, facilities, or other capital projects in excess of the levy or levies allowed by law under the following conditions:

(1) The governing body shall pass a resolution indicating its intent to exceed the current statutory mill levy on the approval of a majority of the qualified electors voting in an election under subsection (2).

The resolution must include:

(a) the specific purpose for which the additional money will be used;

(b) the specific amount to be raised;

(c) the approximate number of mills required; ~~and~~

(d) the specific mill levy limitation to be exceeded; and

(e) a statement of the impact of the election on the average homeowner A HOME VALUED AT \$100,000 AND A HOME VALUED AT \$200,000 in the district in terms of actual dollars in additional property taxes that would be imposed on a residence RESIDENCES of a stated WITH THAT value THOSE VALUES if the mill levy were to pass. THE RESOLUTION MAY ALSO INCLUDE A STATEMENT OF THE IMPACT OF THE ELECTION ON HOMES OF ANY OTHER VALUE IN THE DISTRICT, IF APPROPRIATE.

(2) (a) Except as provided in subsection (2)(b), the governing body shall submit the question of the additional mill levy to the qualified electors of the county at the next regular primary election held in an even-numbered year, and the election must comply with [section 1].

(b) If the purpose of the special levy designated pursuant to subsection (1)(a) is for the support of a health care facility as described in 7-6-2512, the governing body may submit the question of the additional mill levy to the qualified electors of the county at a general election, at a school election held pursuant to 20-3-304, or at a regular primary election held in an even-numbered year.

(c) If the majority voting on the question are in favor of the additional levy or levies, the governing body is authorized to exceed the statutory mill levy limit in the amount specified in the resolution ~~for a~~

1 ~~period not to exceed 2 years."~~

2

3 **Section 6.** Section 7-6-2534, MCA, is amended to read:

4 **"7-6-2534. Form of ballot.** (1) If at any time it is desired to submit the question of additional levies
5 for more than one purpose, ~~such~~ the propositions ~~shall~~ must be submitted on separate ballots.

6 (2) Each of the ballots ~~shall be in substantially the following form:~~

7 ~~_____ Shall the county governing body be authorized to make a levy of (here insert the number) mills~~
8 ~~taxes in addition to the regular levy now authorized by law for the purpose of (here insert the purpose for~~
9 ~~which the additional levy is to be made and the period for which it shall be in effect)?~~

10 ~~_____ ☐ FOR additional levy~~

11 ~~_____ ☐ AGAINST additional levy must conform to the requirements of [section 1]."~~

12

13 **Section 7.** Section 7-6-2536, MCA, is amended to read:

14 **"7-6-2536. Use of proceeds from additional mill levy.** (1) Except as provided in subsection (2),
15 if authorized, the money raised by the additional levy ~~shall~~ must be used only for that specific purpose
16 provided for in ~~7-6-2532~~ the ballot measure.

17 (2) If any balance remains on hand after the purpose for which the levy was made has been
18 accomplished, the balance may by vote of the governing body be transferred to any other fund of the
19 county."

20

21 **Section 8.** Section 7-6-2537, MCA, is amended to read:

22 **"7-6-2537. Emergency provisions in effect.** Nothing in 7-6-2531 or 7-6-2533 through 7-6-2536
23 ~~shall~~ may affect the emergency levy as provided by law."

24

25 **Section 9.** Section 7-6-2541, MCA, is amended to read:

26 **"7-6-2541. County detention center inmate medical costs.** (1) The board of county commissioners
27 shall budget and expend funds for inmate medical care, including but not limited to costs of providing
28 direct medical care, medication, medical services, hospitalization, insurance premiums, self-insured
29 coverage, or contracted services for expenses that must be borne by the county for inmates confined in
30 a county detention center as provided for in 7-32-2222.

(2) If approved at a tax election by a majority of the qualified electors voting on the question, the board may levy up to 2 mills on the taxable value of all property within its jurisdiction for the purpose of subsection (1). The election must be conducted in compliance with [section 1]."

Section 10. Section 7-6-4238, MCA, is amended to read:

"7-6-4238. Restriction on tax-financed expenditures if voter approval of tax levy required. ~~Where~~ When any expenditure program is to be financed from a tax levy required to be authorized and approved at an election as provided in [section 1], no an expenditure shall may not be made or obligation incurred ~~thereunder until such the~~ the levy is ~~so~~ authorized and approved."

Section 11. Section 7-6-4272, MCA, is amended to read:

"7-6-4272. Emergency expenditures. (1) All emergency expenditures must be charged to the emergency budget appropriations adopted by a three-fourths majority of the members present at a meeting of a governing body.

(2) Emergency expenditures may be made by the issuance of checks or warrants drawn on the municipal treasury. The municipality is authorized and directed to pay the checks or warrants with any money available for that purpose. If at any time there is insufficient money available to pay the emergency expenditures, then emergency warrants must be issued and registered, must bear interest, and must be called for payment in the manner provided by law for other municipal warrants.

(3) The finance officer shall include in the preliminary annual operating budget to be submitted to the governing body the total amount of emergency warrants issued during the preceding fiscal year that remain unpaid. Subject to the provisions of this section, the governing body shall, in the tax levies, include a levy for each fund sufficient to raise an amount equal to the total amount of any emergency warrants remaining unpaid at the close of the preceding fiscal year because of insufficient money in the fund to pay the warrants.

(4) (a) A levy may not be made for any fund in excess of the levy authorized by law to be made for the fund.

(b) The governing body may submit the question of funding the emergency warrants at an election as provided by ~~law~~ [section 1]. If possible, the election must be held in conjunction with a regular or primary election. If at the election issuing of funding bonds is authorized, it is not necessary for any levy

1 to be made for the purpose of paying the emergency warrants.

2 (5) This section does not apply to a municipality that has adopted the alternative accounting
3 method provided for in Title 7, chapter 6, part 6."

4

5 **Section 12.** Section 7-6-4431, MCA, is amended to read:

6 **"7-6-4431. Authorization to exceed maximum mill levy -- election required.** The governing body
7 of a municipality may raise money by taxation for the support of municipal government services, facilities,
8 or other capital projects in excess of the levy or levies allowed by law under the following conditions:

9 (1) The governing body ~~must~~ shall pass a resolution indicating its intent to exceed the current
10 statutory mill levy on the approval of a majority of the qualified electors voting in an election under
11 subsection (2). The resolution must include:

12 (a) the specific purpose for which the additional money will be used;

13 (b) the specific dollar amount to be raised;

14 (c) the approximate number of mills required; and

15 (d) the specific mill levy limitation to be exceeded.

16 (2) The governing body ~~must~~ shall submit the question of the additional mill levy to the qualified
17 electors of the municipality at ~~the next regular primary or general election on either odd-numbered or~~
18 ~~even-numbered years~~ an election as provided in [section 1]. The question may not be submitted more than
19 once in any calendar year. If the majority voting on the question are in favor of the additional levy or levies,
20 the governing body is authorized to ~~exceed~~ impose the statutory mill levy ~~limit~~ in the amount specified in
21 the resolution ~~for a period not to exceed 2 years.~~"

22

23 **Section 13.** Section 7-14-1134, MCA, is amended to read:

24 **"7-14-1134. Method of funding deficiency.** (1) Subject to the conditions stated in this section,
25 the governing body of a county or of a municipality having a population in excess of 10,000 may by
26 resolution covenant that if at any time all revenue, including taxes, appropriated and collected for bonds
27 issued pursuant to this part ~~are~~ is insufficient to pay principal or interest then due, it will levy a general
28 tax upon all of the taxable property in the county or municipality for the payment of the deficiency. The
29 governing body may further covenant that at any time a deficiency is likely to occur within 1 year for the
30 payment of principal and interest due on the bonds, it will levy a general tax upon all the taxable property

1 in the county or municipality for the payment of the deficiency. The taxes are not subject to any limitation
 2 of rate or amount applicable to other county or municipal taxes but are limited to a rate estimated to be
 3 sufficient to produce the amount of the deficiency. If more than one local government is included in an
 4 authority issuing bonds pursuant to this part, the local governments may apportion the obligation to levy
 5 taxes for the payment of, or in anticipation of, a deficiency in the revenue appropriated for the bonds in
 6 a manner that the local governments may determine.

7 (2) The resolution must state the principal amount and purpose of the bonds and the substance
 8 of the covenant respecting deficiencies.

9 (3) (a) A resolution is not effective until the question of its approval has been submitted to the
 10 qualified electors of the local government at ~~a special~~ an election:

11 ~~—— (i) called for that purpose by the governing body of the local government; and~~
 12 ~~(ii) held in conjunction with a regular or primary election as provided in [section 1]; and~~
 13 ~~(iii) the question is approved by a majority of the electors voting on the question.~~

14 (b) The notice and conduct of the election is governed, to the extent applicable, as provided for
 15 municipal general obligation bonds in Title 7, chapter 7, part 42, for an election called by cities and towns,
 16 and as provided for county general obligation bonds in Title 7, chapter 7, part 22, for an election called
 17 by counties. If a majority of the electors voting on the issue vote against approval of the resolution, the
 18 local government may not make the covenant or levy a tax for the payment of deficiencies pursuant to
 19 this section. The local government or authority may issue bonds under this part payable solely from the
 20 sources referred to in 7-14-1133(1)."

21

22 **Section 14.** Section 7-14-1633, MCA, is amended to read:

23 **"7-14-1633. Election required to impose mill levy.** (1) Before the levy provided for in 7-14-1632
 24 may be made, the question must be submitted to a vote of the people at ~~the next regular school~~ an
 25 election held ~~in accordance with 20-3-304 or by mail ballot election as provided by Title 13, chapter 19,~~
 26 ~~in the following form:~~

27 ~~—— "Shall there be a levy of (specify number, not to exceed 6) mills upon the taxable property of the~~
 28 ~~(specify rail authority) necessary to raise the sum of (specify the approximate amount to be raised by the~~
 29 ~~tax levy) for the purpose of (specify purpose for which the levy is made)?~~

30 ~~—— [] —— FOR the tax levy.~~

1 ~~_____ ☐ _____ AGAINST the tax levy pursuant to [section 1]."~~

2 (2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given,
3 and the election must be held and conducted and the returns must be made in the manner prescribed by
4 law for the submission of questions to the electors under the general election laws."

5

6 **Section 15.** Section 7-14-2504, MCA, is amended to read:

7 **"7-14-2504. Additional road and bridge construction tax -- election required.** (1) Each board may
8 make an additional levy upon the taxable property in the county of up to 10 mills for constructing public
9 highways and bridges.

10 (2) Before the additional levy may be made, the question must be submitted to a vote of the
11 people ~~at a general election or a special election held in conjunction with a regular or primary election as~~
12 ~~provided in [section 1]. The question must be in the following form, inserting the number of mills to be~~
13 ~~levied and the name of the county:~~

14 ~~_____ "Shall there be an additional levy of.... mills upon the taxable property in the county of...., state~~
15 ~~of Montana, for the purpose of constructing public highways and bridges?~~

16 ~~_____ ☐ _____ YES~~

17 ~~_____ ☐ _____ NO".~~

18 (3) A majority of the votes cast is necessary to permit the additional levy, which must be collected
19 in the same manner as other road taxes."

20

21 **Section 16.** Section 7-14-4404, MCA, is amended to read:

22 **"7-14-4404. Tax levy for contracts to operate bus service.** For the purpose of raising the
23 necessary money to defray the cost of the transportation service authorized by 7-14-4401(2) pursuant
24 to a contract, lease, or lease and operating agreement with an independent carrier or carriers, the city or
25 town council may annually levy a tax on the taxable value of all taxable property within the limits of the
26 city or town. Whenever the council of the city or town considers it necessary to raise money by taxation
27 for transportation services in excess of the levy allowed by law, the council of the city or town shall in
28 the manner prescribed by law submit the question of the additional levy to the qualified electors of the city
29 or town, ~~either at the regular annual an election held in the city or town or at a special election that is held~~
30 ~~in conjunction with a regular or primary election and that is called for that purpose by the council of the~~

1 ~~city or town~~ pursuant to [section 1]. The additional levy may not exceed 1 1/2 mills."

2

3 **Section 17.** Section 7-16-2102, MCA, is amended to read:

4 **"7-16-2102. Authorization for tax levy for parks and certain cultural, social, and recreational**
5 **facilities.** (1) Subject to 15-10-420, the board of county commissioners may annually levy on the taxable
6 property of the county, in the same manner and at the same time as other county taxes are levied, a
7 ~~special~~ tax, not to exceed 2 mills on each dollar of the taxable valuation for any 1 year, for the purpose
8 of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center, youth
9 center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

10 (2) (a) The board of county commissioners shall submit the question of imposing or the continued
11 imposition of the property tax mill levy provided in subsection (1) to the electors of the county at the next
12 general election if a petition requesting an election, signed by at least 15% of the resident taxpayers of
13 the county, is filed with the county clerk. The petition must be filed with the county clerk at least 90 days
14 prior to the date of the general election.

15 (b) The question must be submitted ~~substantially as follows:~~

16 ~~— [] — FOR the imposition (or continued imposition) of a property tax, not to exceed 2 mills, for~~
17 ~~county parks and for county-owned cultural, social, and recreational facilities.~~

18 ~~— [] — AGAINST the imposition (or continued imposition) of a property tax for county parks and~~
19 ~~for county-owned cultural, social, and recreational facilities as provided in [section 1].~~

20 (c) The board of county commissioners shall levy the tax ~~for the 2 subsequent fiscal years~~ if the
21 question for the imposition of the tax is approved by a majority of the electors voting on the question.

22 (3) All laws applicable to the collection of county taxes apply to the collection of the tax provided
23 for in this section."

24

25 **Section 18.** Section 7-16-2109, MCA, is amended to read:

26 **"7-16-2109. Single tax for county fair activities, county parks, and certain cultural, social, and**
27 **recreational facilities -- restriction.** (1) Subject to 15-10-420 and except as provided in subsection (2), the
28 county commissioners of a county who have levied taxes pursuant to both 7-16-2102 and 7-21-3410
29 ~~before January 1, 1993,~~ may combine the two taxes into a single tax that may not exceed 3 1/2 mills on
30 each dollar of the taxable valuation for any 1 year for the purpose of maintaining, operating, and equipping

1 county fair activities, county parks, cultural facilities, and any county-owned civic center, youth center,
2 recreation center, recreational complex, or any combination of purposes, activities, and facilities. The
3 money collected may be distributed among the activities and facilities as determined by the county
4 commissioners.

5 (2) (a) The board of county commissioners shall submit the question of imposing or continuing the
6 imposition of the single tax provided for in subsection (1) to the electors of the county at the next general
7 election if a petition requesting a vote on the single tax, signed by at least 15% of the resident taxpayers
8 of the county, is filed with the county clerk at least 90 days prior to the date of the general election.

9 (b) The question must be submitted ~~substantially as follows:~~

10 ~~— [] — FOR imposition (or continued imposition) of a property tax, not to exceed 3 1/2 mills, for~~
11 ~~county fair activities, county parks, and county-owned cultural, social, and recreational~~
12 ~~facilities.~~

13 ~~— [] — AGAINST imposition (or continued imposition) of a property tax, not to exceed 3 1/2 mills,~~
14 ~~for county fair activities, county parks, and county-owned cultural, social, and recreational~~
15 ~~facilities as provided in [section 1].~~

16 (c) The board of county commissioners shall levy the tax ~~for the 2 subsequent fiscal years~~ if the
17 imposition or continued imposition of the single tax is approved by a majority of the electors voting on the
18 question."

19

20 **Section 19.** Section 7-16-2411, MCA, is amended to read:

21 **"7-16-2411. Creation of county park district.** (1) Proceedings for the creation of a county park
22 district may be initiated by:

23 (a) a petition signed by 10% or more of the qualified electors of the proposed park district; or

24 (b) a resolution of intent adopted by the county governing body, calling for the creation of a
25 county park district.

26 (2) The petition or resolution must contain:

27 (a) the boundaries of the proposed district;

28 (b) subject to 15-10-420, the proposed ~~maximum~~ property tax mill levy that could be levied on
29 property owners within the district or the proposed maximum fee on each household within the proposed
30 district for the operation of the district; and

(c) the proposed number of members of the county park district commission. The number of members must be an odd number and may not be less than three.

(3) When the territory to be included in the proposed district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by 10% or more of the qualified electors of the territory within the county proposed to be included in the district.

(4) Upon receipt of a petition for the creation of a county park district, the county clerk shall examine it and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.

(5) The text of the petition or resolution must be published, as provided in 7-1-2121, in each county in which the territory of the proposed district lies.

(6) At the hearing, the county governing body shall hear:

(a) testimony of all interested persons on whether a county park district should be created;

(b) testimony regarding the proposed boundary, the property tax mill levy or proposed fee on each household within the proposed district, and the number of members of the district commission; and

(c) any other matter relating to the proposed district.

(7) After the hearing, if the county governing body determines that the proposed park district should be created, it shall by resolution:

(a) set the boundaries of the proposed park district;

(b) set the ~~maximum~~ mill levy or maximum fee on each household for the proposed park district;

(c) set the number of members to be on the district commission; and

(d) call for an election on the question of whether to create the county park district. The election must be held ~~in conjunction with a regular or primary election, provided that at least 75 days have elapsed between the adoption of the resolution and the election~~ as provided in [section 1]."

Section 20. Section 7-16-2412, MCA, is amended to read:

"7-16-2412. Election on creation of district. (1) The election on the question of whether to create a county park district must be conducted as provided in Title 13.

(2) Only qualified electors residing within the proposed park district may vote on the question of

1 whether to create the district.

2 (3) The question of creating a county park district ~~shall~~ must be submitted to the electors in
3 ~~substantially one of the following forms:~~

4 ~~_____ (a) _____ FOR the creation of a county park district that may levy not more than mills of~~
5 ~~property tax for the operation of the district.~~

6 ~~_____ (b) _____ AGAINST the creation of a county park district.~~

7 ~~_____ (b) _____ FOR the creation of a county park district that may assess a fee on each household of~~
8 ~~.... dollars for the operation of the district.~~

9 ~~_____ (b) _____ AGAINST the creation of a county park district~~ as provided in [section 1]."
10

11 **Section 21.** Section 7-16-2432, MCA, is amended to read:

12 **"7-16-2432. Election to change maximum property tax mill levy.** (1) The maximum property tax
13 mill levy authorized for the operation of a county park district may be changed by an election on the
14 question of changing the maximum mill levy.

15 (2) A vote on the question of raising or lowering the maximum property tax mill levy in the district
16 may be initiated by:

17 (a) a petition signed by not less than 15% of the electorate of the district; or

18 (b) a resolution of the county park district commission.

19 (3) The petition or resolution must ~~set forth the proposed new maximum mill levy for the operation~~
20 ~~of the district~~ conform to the requirements of [section 1].

21 (4) Upon receipt of a petition for a change in the maximum mill levy, certified by the county clerk
22 as sufficient under this section, or a resolution for ~~such~~ a change in the maximum mill levy adopted by the
23 county park district commission, the county governing body shall submit to the electorate of the district,
24 at the next election at which members are elected to the county park district commission, a ballot question
25 on changing the maximum mill levy. The election on the question of changing the maximum mill levy must
26 be held as provided in Title 13. The question must be submitted to the electors of the district in
27 ~~substantially the following form:~~

28 ~~_____ (a) _____ FOR changing the authorized maximum property tax mill levy for the operation of the~~
29 ~~county park district from to~~

30 ~~_____ (b) _____ AGAINST changing the authorized maximum property tax mill levy for the operation of the~~

1 ~~county park district~~ as provided in [section 1].

2 (5) If a county park district includes one or more municipalities or parts of municipalities, separate
3 majorities of those voting on the question of changing the property tax mill levy are required of those
4 voting who reside within each municipality and of those not residing within a municipality.

5 (6) The new maximum property tax mill levy is authorized for the following tax year if approved
6 by a simple majority of the votes on the question."

7

8 **Section 22.** Section 7-22-2142, MCA, is amended to read:

9 **"7-22-2142. Sources of money for noxious weed fund.** (1) The commissioners may create the
10 noxious weed fund and provide sufficient money in the fund for the board to fulfill its duties, as specified
11 in 7-22-2109, by:

12 (a) appropriating money from the general fund of the county;

13 (b) subject to 15-10-420 and at any time fixed by law for levy and assessment of taxes, levying
14 a tax not exceeding 2 mills on the dollar of total taxable valuation in the county. The tax levied under this
15 subsection must be identified on the assessment as the tax that will be used for noxious weed control.

16 (c) levying a tax in excess of 2 mills if authorized by a majority of the qualified electors voting in
17 an election held for this purpose pursuant to 7-6-2531, 7-6-2533 through 7-6-2536, and [section 1].

18 (2) The proceeds of the noxious weed control tax must be used solely for the purpose of managing
19 noxious weeds in the county and must be designated to the noxious weed fund.

20 (3) Any proceeds from work or chemical sales must revert to the noxious weed fund and must
21 be available for reuse within that fiscal year or any subsequent year.

22 (4) The commissioners may accept any private, state, or federal gifts, grants, contracts, or other
23 funds to aid in the management of noxious weeds within the district. These funds must be placed in the
24 noxious weed fund."

25

26 **Section 23.** Section 7-32-235, MCA, is amended to read:

27 **"7-32-235. Search and rescue units authorized -- under control of county sheriff -- optional**
28 **funding.** (1) A county may establish or recognize one or more search and rescue units within the county.

29 (2) Except in time of martial rule as provided in 10-1-106, search and rescue units and their
30 officers are under the operational control and supervision of the county sheriff, or the sheriff's designee,

1 having jurisdiction and whose span of control would be considered within reasonable limits.

2 (3) A county may, after approval by a majority of the people voting on the question at an election
3 held throughout the county, levy an annual tax of not more than 1 mill on ~~each dollar of the~~ taxable value
4 of all taxable property within the county to support one or more search and rescue units established or
5 recognized under subsection (1). The election must be held ~~in conjunction with a regular or primary election~~
6 as provided in [section 1]."

7

8 **Section 24.** Section 7-34-102, MCA, is amended to read:

9 **"7-34-102. Special mill levy permitted.** (1) Subject to 15-10-420 and in addition to all other levies
10 authorized by law, each county, city, or town may levy an annual tax up to 1 mill on ~~the dollar of the~~
11 taxable value of all taxable property within the county, city, or town to defray the costs incurred in
12 providing ambulance service.

13 (2) In addition to the levy authorized by subsection (1), a county, city, or town may levy an
14 additional 2 mills for the support of ambulance services if, at a regularly scheduled election held as
15 provided in [section 1], the electorate of the county, city, or town approves the imposition of the additional
16 levy."

17

18 **Section 25.** Section 7-34-2135, MCA, is amended to read:

19 **"7-34-2135. Election required to impose special additional mill levy.** (1) Before each additional levy
20 provided for in 7-34-2134 may be made, the question ~~shall~~ must be submitted to a vote of the people at
21 the next primary election held in an even-numbered year or on the next regular school election day held
22 in accordance with 20-3-304 or by mail ballot election as provided by Title 13, chapter 19, ~~in the following~~
23 ~~form:~~

24 ~~———"Shall there be an additional levy of (specify number) mills upon the taxable property of the (specify~~
25 ~~hospital district) for 2 years necessary to raise the sum of (specify the approximate amount to be raised~~
26 ~~by the additional tax levy) for the purpose of (specify purpose for which the additional levy is made)?~~

27 ~~——— ☐ ——— FOR an additional levy to raise the sum of (state the approximate amount to be raised by~~
28 ~~the additional tax levy), and being (give number) mills.~~

29 ~~——— ☐ ——— AGAINST an additional tax levy to raise the sum of (state the approximate amount to be~~
30 ~~raised by the additional tax levy), and being (give number) mills accordance with the~~

1 provisions of [section 1]."

2 (2) Notice of the election, ~~clearly stating the amount and the purpose of the additional levy,~~ must
3 be given and the election must be held and conducted and the returns must be made in all respects in the
4 manner prescribed by law with regard to the submission of questions to the electors under the general
5 election laws."

6

7 **Section 26.** Section 19-18-504, MCA, is amended to read:

8 **"19-18-504. Amount of special tax levy.** Whenever the fund contains an amount that is less than
9 4% of the taxable valuation of all taxable property in the city or town, the city or town council shall levy
10 an annual ~~special~~ tax of not less than 1 mill and not more than 4 mills on ~~each dollar of the~~ the taxable
11 valuation of all taxable property within the city or town. When the fund contains an amount that is less
12 than 10% but more than 4% of the taxable valuation of all taxable property in the city or town, the city
13 or town council may, if authorized by the voters as provided in [section 1], levy an annual ~~special~~ tax of
14 not less than 1 mill and not more than 4 mills on ~~each dollar of the~~ the taxable valuation."

15

16 **Section 27.** Section 20-9-353, MCA, is amended to read:

17 **"20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) The
18 trustees of a district may propose to adopt:

19 (a) an over-BASE budget amount for the district general fund that does not exceed the maximum
20 general fund budget for the district or other limitations, as provided in 20-9-308(2); or

21 (b) a general fund budget amount in excess of the maximum general fund budget amount for the
22 district, as provided in 20-9-308(3).

23 (2) When the trustees of the district propose to adopt an over-BASE budget under subsection
24 (1)(a), any increase in local property taxes authorized by 20-9-308(5) must be submitted to a vote of the
25 qualified electors of the district, as provided in [section 1]. The trustees are not required to submit to the
26 qualified electors any increase in state funding of the basic or per-ANB entitlements approved by the
27 legislature. When the trustees of a district determine that a voted amount of financing is required for the
28 general fund budget, the trustees shall submit the proposition to finance the voted amount to the electors
29 who are qualified under 20-20-301 to vote upon the proposition. The election must be called and
30 conducted in the manner prescribed by this title for school elections and must conform to the requirements

1 ~~of [section 1]. The ballot for the election must state the amount of the estimated increase in local property~~
 2 ~~taxes and the estimated impact on the over-BASE mills needed to fund the general fund budget conform~~
 3 ~~to the requirements of [section 1]. The ballot must be in the following format:~~

4 PROPOSITION

5 ~~——— The district levied (state the total amount of local property taxes levied in support of the district's~~
 6 ~~prior year's over-BASE general fund budget) dollars and (state the total number of mills levied in support~~
 7 ~~of the district's prior year's over-BASE general fund budget) mills to support the previous year's over-BASE~~
 8 ~~general fund budget. If this proposition is approved, the local property taxes to support the district's~~
 9 ~~proposed over-BASE general fund budget will increase by (state the additional local property taxes) dollars.~~
 10 ~~The mills will (increase or decrease as applicable) by (insert the number of mills) mills.~~

11 ~~——— Shall the district be authorized to increase the local property taxes by (insert the amount), which~~
 12 ~~will (increase or decrease as applicable) the local mills by approximately (insert the number of mills) mills?~~

13 ~~——— ☐ FOR the additional levy.~~

14 ~~——— ☐ AGAINST the additional levy.~~

15 (3) When the trustees of a district propose to adopt the general fund budget amount in excess of
 16 the maximum general fund budget under subsection (1)(b), the trustees shall submit the proposition to
 17 finance the additional amount of general fund budget authority to the electors who are qualified under
 18 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner
 19 prescribed by this title for school elections. The ballot for the election must state the amount of the budget
 20 to be financed, the approximate number of mills required to fund all or a portion of the budget amount,
 21 and the purpose for which the money will be expended. The ballot must be in the following format:

22 PROPOSITION

23 Shall the district be authorized to expend the sum of (state the additional amount to be expended)
 24 and being approximately (give number) mills for the purpose of (insert the purpose for which the additional
 25 financing is made)?

26 ☐ FOR budget authority and any levy.

27 ☐ AGAINST budget authority and any levy.

28 (4) If the election on any additional financing or budget authority for the general fund is approved
 29 by a majority vote of the electors voting at the election, the proposition carries and the trustees may use
 30 any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall

certify any additional levy amount authorized by the election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141.

(5) Authorization to levy an additional tax to support a budget amount adopted as allowed by 20-9-308(3) is effective for only 1 school fiscal year.

(6) All levies adopted under this section must be authorized by the election conducted before August 1 of the school fiscal year for which it is effective.

(7) If the trustees of a district are required to submit a proposition to finance an over-BASE budget amount or an amount in excess of the maximum general fund budget amount for the district, as allowed by 20-9-308(3), to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (6) of this section."

Section 28. Section 20-9-502, MCA, is amended to read:

"20-9-502. Purpose and authorization of a building reserve fund by an election. (1) The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping, or enlarging of school buildings or for the purpose of purchasing land needed for school purposes in the district. In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(a) the purpose or purposes for which the new or addition to the building reserve will be used;

(b) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(c) the total amount of money that will be raised during the duration of time specified in subsection (1)(b); and

(d) any other requirements under [section 1] and 20-20-201 for the calling of an election.

(2) The total amount of building reserve when added to the outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406. A building reserve tax authorization may not be for more than 20 years.

(3) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The

1 ballot for a building reserve proposition must be substantially in the following form:

2 ~~_____ OFFICIAL BALLOT~~

3 ~~_____ SCHOOL DISTRICT BUILDING RESERVE ELECTION~~

4 ~~_____ INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words~~
 5 ~~"BUILDING RESERVE--YES" if you wish to vote for the establishment of a building reserve (addition to the~~
 6 ~~building reserve); if you are opposed to the establishment of a building reserve (addition to the building~~
 7 ~~reserve) make an X or similar mark in the square before the words "BUILDING RESERVE--NO".~~

8 ~~_____ Shall the trustees be authorized to impose an additional levy each year for years to establish~~
 9 ~~a building reserve (add to the building reserve) of this school district to raise a total amount of dollars~~
 10 ~~(\$....), for the purpose(s) (here state the purpose or purposes for which the building reserve will be~~
 11 ~~used)?~~

12 ~~_____ ☐ BUILDING RESERVE--YES.~~

13 ~~_____ ☐ BUILDING RESERVE--NO compliance with [section 1].~~

14 (4) The building reserve proposition is approved if a majority of those electors voting at the
 15 election approve the establishment of or addition to the building reserve. The annual budgeting and
 16 taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount
 17 by the specified number of years. The authority of the trustees to budget and impose the taxation for the
 18 annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved
 19 by the qualified electors of the district for the same purpose or purposes for which the building reserve
 20 fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or
 21 purposes of a building reserve, the money in the building reserve must be used for ~~such~~ the purpose or
 22 purposes before any money realized by the bond issue is used."

23

24 **Section 29.** Section 20-15-241, MCA, is amended to read:

25 **"20-15-241. Community college service regions -- creation.** (1) The governing body of an
 26 elementary school district, high school district, county, or municipality not within a community college
 27 district may designate itself a community college service region, as provided in this section.

28 (2) A service region may be designated only if, within 12 months preceding any designation, the
 29 following conditions are met:

30 (a) the service plan required by subsection (3) is available;

(b) the board of trustees of the community college district that will offer services within the region has approved the designation;

(c) the electors within the region have approved the designation by a majority of votes cast on the question in an election held on a general election day; and

(d) the board of regents has approved the designation.

(3) (a) At least 90 days prior to the granting of any of the approvals listed in subsections (2)(b) through ~~(d)~~ (2)(d), a written plan must be made available ~~which~~ that:

(i) details the services the community college district will offer within the region;

(ii) details who will be eligible to use the services and the charges that will be made to users;

(iii) indicates the facilities that will be used to house the services;

(iv) lists the direct and indirect costs of the services and the apportionment of those costs between the community college district and the governing body designating the service region;

(v) estimates the number of persons expected to use the services within the region; and

(vi) estimates the mill levy necessary to fund the service region and estimates the impact of the election on the average homeowner A HOME VALUED AT \$100,000 AND A HOME VALUED AT \$200,000 in the district in terms of actual dollars in additional property taxes that would be imposed on a residence RESIDENCES of a stated WITH THAT value THOSE VALUES. THE PLAN MAY ALSO INCLUDE A STATEMENT OF THE IMPACT OF THE ELECTION ON HOMES OF ANY OTHER VALUE IN THE DISTRICT, IF APPROPRIATE.

(b) The plan may be revised jointly by the region governing body, board of regents, and the board of trustees of the community college district as ~~such~~ a revision may be necessary.

(4) A designation is effective for 5 years and after 5 years is effective unless rescinded by a majority of electors casting votes on the question in an election held on any general election day following expiration of the 5-year period. The question on rescission must be put on the ballot when requested at least 90 days prior to the election by the governing body designating the service region, by the community college board, or by a petition signed by 20% of the registered electors within the service region. The rescission is effective at the end of the first full academic year following the election rescinding the district designation."

Section 30. Section 20-15-311, MCA, is amended to read:

"20-15-311. Funding sources. The annual operating budget of a community college district must

1 be financed from the following sources:

2 (1) the estimated revenue to be realized from student tuition and fees, except revenue related to
3 community service courses, as defined by the board of regents;

4 (2) subject to 15-10-420, a mandatory mill levy on the community college district;

5 (3) subject to 15-10-420, the 1-mill adult education levy authorized under provisions of
6 20-15-305;

7 (4) the state general fund appropriation;

8 (5) an optional voted levy on the community college district that must be submitted to the
9 electorate in accordance with general school election laws and [section 1];

10 (6) all other income, revenue, balances, or reserves not restricted by a source outside the
11 community college district to a specific purpose;

12 (7) income, revenue, balances, or reserves restricted by a source outside the community college
13 district to a specific purpose. Student fees paid for community service courses, as defined by the board
14 of regents, are considered restricted to a specific purpose;

15 (8) income from a political subdivision that is designated a community college service region under
16 20-15-241."

17

18 **Section 31.** Section 22-1-304, MCA, is amended to read:

19 **"22-1-304. Tax levy -- special library fund -- bonds.** (1) Subject to 15-10-420, the governing body
20 of a city or county that has established a public library may levy in the same manner and at the same time
21 as other taxes are levied a ~~special~~ tax in the amount necessary to maintain adequate public library service.
22 The ~~special~~ tax levy that may be levied by the governing body of a county may not exceed 5 mills ~~on the~~
23 ~~dollar~~ on the taxable valuation of all property in the county. The ~~special~~ tax that may be levied by the
24 governing body of a city may not exceed 7 mills ~~on the dollar~~ on the taxable valuation of all property in
25 the city.

26 (2) (a) The governing body of a city or county may by resolution submit the question of ~~exceeding~~
27 ~~the maximum imposing a tax levy provided in subsection (1)~~ to a vote of the qualified electors at ~~the next~~
28 ~~appropriate election or at a special election as provided for in Title 13~~ an election as provided in [section
29 1]. The resolution must be adopted at least 75 days prior to the election at which the question will be
30 voted on.

(b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of ~~exceeding the maximum~~ imposing a mill levy, the governing body shall submit to a vote of the qualified electors at the next election or at a special election, as provided for in ~~Title 13~~ [section 1], the question of ~~exceeding~~ imposing the ~~maximum~~ mill levy. The petition must be delivered to the governing body at least 90 days prior to the election at which the question will be voted on.

~~(c) The question must be submitted by ballots upon which the words "FOR exceeding the ... mill maximum levy and authorizing an additional ... mill(s) for the library" and "AGAINST exceeding the ... mill maximum library levy" must appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions.~~

~~———— (d) The ballots must also specify the amount of time during which the proposed increase exceeding the maximum mill levy is to be in effect.~~

~~———— (e) The votes cast for the adoption or rejection of the question must be canvassed, and:~~

~~———— (i) if a majority of the voters voting on the question vote to exceed the maximum mill levy, the governing body shall levy the additional tax for the time specified on the ballot; or~~

~~———— (ii) if a majority of the voters voting on the question vote to not exceed the maximum mill levy, the maximum mill levy may not be exceeded.~~

(3) The municipal tax authorized in this section is in addition to all other taxes authorized by law and is not within the all-purpose mill levy established by 7-6-4451 through 7-6-4453.

(4) The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.

(5) Money may not be paid out of the public library fund by the treasurer of the city or county except by order or warrant of the board of library trustees.

(6) Bonds may be issued by the governing body in the manner prescribed by law for the following purposes:

(a) building, altering, repairing, furnishing, or equipping a public library or purchasing land for the library;

(b) buying a bookmobile or bookmobiles; and

(c) funding a judgment against the library."

1 **Section 32.** Section 76-15-531, MCA, is amended to read:

2 **"76-15-531. Special administrative assessment permitted -- voter approval.** (1) (a) In addition to
3 the levy authorized in 76-15-515 and 76-15-516(3), the supervisors of a conservation district may levy
4 an annual special administrative assessment, not to exceed the amount determined under subsection (1)(b)
5 each year, for administrative costs and expenses of the district if, ~~at a regularly scheduled election or~~
6 ~~special election,~~ the qualified electors of the district approve the imposition of the additional assessment
7 at an election held as provided in [section 1].

8 (b) The annual levy authorized by this section may not exceed the difference between the amount
9 raised by the annual mill levy authorized under 76-15-515 and \$20,000.

10 (c) Nonmill-levy revenue that is distributed based on the relative proportion of mill levies may not
11 be distributed to the special administrative assessment.

12 (2) The special administrative assessment question may be presented to the qualified electors of
13 the district by resolution of the supervisors.

14 (3) If the conservation district is located in more than one county, the special administrative
15 assessment question must be presented to and approved by the qualified electors who reside in the district
16 from each county.

17 (4) The resolution referring the special administrative assessment question must state:

18 (a) the rate of the assessment;

19 (b) the amount of money anticipated to be raised by the assessment; and

20 (c) the purposes for which the special administrative assessment revenue may be used."

21
22 **Section 33.** Section 90-5-112, MCA, is amended to read:

23 **"90-5-112. Economic development levy.** (1) Subject to 15-10-420, the governing body of a city,
24 county, or town is authorized to levy up to 1 mill upon the taxable value of all the property in the city,
25 county, or town subject to taxation for the purpose of economic development. The governing body may:

26 (a) submit the question of the mill levy to the qualified voters ~~voting in a city, county, or town~~
27 ~~election~~ as provided in [section 1]; or

28 (b) approve the mill levy by a vote of the governing body.

29 (2) Funds derived from this levy may be used for purchasing land for industrial parks, constructing
30 buildings to house manufacturing and processing operations, conducting preliminary feasibility studies,

1 promoting economic development opportunities in a particular area, and other activities generally
2 associated with economic development. These funds may not be used to directly assist an industry's
3 operations by loan or grant or to pay the salary or salary supplements of government employees.

4 (3) The governing body of the county, city, or town may use the funds derived from this levy to
5 contract with local development companies and other associations or organizations capable of
6 implementing the economic development function.

7 (4) A tax authorized by a vote of the electorate, as provided in subsection (1)(a), may be levied
8 for a period not to exceed 6 years."

9

10 NEW SECTION. **Section 34. Repealer.** Section 7-6-2532, MCA, is repealed.

11

12 NEW SECTION. **Section 35. Codification instruction.** [Section 1] is intended to be codified as an
13 integral part of Title 15, chapter 10, part 4, and the provisions of Title 15, chapter 10, part 4, apply to
14 [section 1].

15

- END -